IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.20364 of 2006

DATE OF DECISION: December 21, 2006

M/s Shoe Palace

….Petitioner

VERSUS

State of Haryana and others

….

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Shri Sanjiv Gupta, Advocate for the petitioner.

Viney Mittal,J.(Oral).

Notice of motion to the respondents.

On the asking of Court, Shri Ashok Jindal, Additional Advocate General, Haryana accepts notice on behalf of the respondents.

Copies of the writ petition have been supplied to the learned counsel for the respondents.

It has been contended by the learned counsel for the petitioner that the shop in question where the petitioner is running a shoe shop has been constructed on a plot which was purchased independently by the petitioner and has no connection with the allotting of the Housing Board house. The learned counsel further states that the house which had been allotted by the Housing Board is house No.37 LIG and is intact and is being used by the petitioner for the purposes of residence only. On that basis, the learned counsel

states that the business being run in the shop in question was absolutely permissible and could not be treated to be unauthorised, in any manner.

On the basis of the aforesaid contentions, the learned counsel for the petitioner states that the present petition be disposed of with a direction to the Deputy Commissioner, Kaithal, respondent No.3 to enquire into the aforesaid facts and if it is found that the business activities being carried out by the petitioner are in a shop which is independent of the residential premises and the shop in question has been constructed after due approval from the Municipal Council, Cheeka, District Kaithal, then the business activities being carried out by the petitioner be permitted.

In view of the aforesaid request made by the learned counsel for the petitioner, we dispose of the present petition with a direction to the Deputy Commissioner, Kaithal, respondent No.3 to enquire into the allegations made by the petitioner and if it is found that the petitioner is carrying on commercial activities in a commercial property which had been so independently allotted to the petitioner and on which the petitioner had raised the construction after getting due approval from the Municipal Council, then the seals put on the shop of the petitioner be removed. If it is found that the petitioner was misusing of the residential premises, then the present petition shall be deemed to have been dismissed and in such a situation, the petitioner shall not be permitted to carry out the commercial activities in the residential premises.

The petitioner may appear before the Deputy Commissioner, Kaithal, respondent No.3 on December 26, 2006 at 10.00 a.m.

Needless to say that the enquiry shall be completed by the Deputy Commissioner, as expeditiously as possible, and in any case within a period of two weeks from the date of appearance of the petitioner.

A copy of the order be given dasti under the signatures of the Bench Secretary attached with this Court.

(Viney Mittal)
Judge

December 21, 2006
KD

(M.M.S. Bedi)
Judge